

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION

JOHN DOE,)	
Plaintiff,)	
)	
v.)	CASE NO. 3:21-cv-00144-TWP-CSW
)	
UNIVERSITY OF SOUTHERN INDIANA, <i>et al.</i>)	
Defendants.)	

**PLAINTIFF’S MOTION TO COMPEL AND FOR SANCTIONS AS TO
DEFENDANT UNIVERSITY OF SOUTHERN INDIANA**

Plaintiff, pursuant to FRCP 26 and 37, moves the Court for an order compelling Defendant University of Southern Indiana (“USI”) to produce documents and for sanctions. Plaintiff files herewith a Brief in Support of the Motion setting forth the bases and evidentiary support for this Motion.

WHEREFORE, the Court should grant the Motion and order USI to produce:

- a. the Policy information contained on USI’s Clean Catalog software system that (i) USI currently possesses as to the sexual harassment policies for the period from July 9, 2021, through August 25, 2021, and (ii) that USI provided to its counsel months ago to create the Spreadsheet;
- b. all documents responsive to RFP Nos. 267, 271, 275, 279, 283;
- c. all documents responsive to RFP No. 258; and
- d. USI Bates Nos. 10493-10545, 09099-09101 and 09103-09554 on the Log.

The Court should further sanction USI by:

- e. Ordering USI to pay Plaintiff for his attorneys’ fees incurred relative to the Aaron Trump 30(b)(6) depositions and this Motion;
- f. Ordering that the following facts are conclusively established for this litigation:
 - USI intentionally withheld the documents identified as USI Bates Nos. 00133-00137, USI Bates Nos. 00138-00142, USI Bates Nos. 01416-01420, USI Bates Nos. 00182-00185, USI Bates Nos. 01398, USI Bates Nos. 01369, and USI Bates Nos. 03656-03659 were not provided to the Title IX investigator, Decision Makers, Appeal Officer or Plaintiff during the Title IX process;
 - USI did not approve any amendment to its sexual harassment policy during the period from July 9, 2021, through August 4, 2021;

- USI did not implement any amendment to its sexual harassment policy during the period from July 9, 2021, through August 4, 2021;
 - USI did not communicate any amendment to its sexual harassment policy to USI students, faculty, or staff during the period from July 9, 2021, through August 4, 2021.
- g. Ordering that USI may not present testimony in any form during this litigation by Doss, Devonshire, Lenhardt, or Lynn on 30(b)(6) Topics 1, 2, 3, 4, 14, 15, and 17; and
- h. award all other just and proper relief.

I affirm, under penalties of perjury, that the exhibits attached to Plaintiff's brief in support and recited therein are true and accurate copies of documents produced in discovery and/or communications with counsel.

ZIEMER, STAYMAN, WEITZEL & SHOULDERS, LLP

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CERTIFICATE OF SERVICE

I certify that on the 22nd day of January, 2024, a copy of the foregoing motion was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

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